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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,948	03/16/2001	Akira Mineo	NIT-264	5296

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Mattingly, Stanger & Malur, P.C.
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EXAMINER

KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 05/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,948

Applicant(s)

MINEO, AKIRA

Examiner

Scott M. Klinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-22 are pending.

Priority

A claim for foreign priority has been made (Japan, Priority Number 2000-197859). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. The effective filing date for subject matter in the application is 27 June 2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sitaraman et al. (U.S. Patent Number 6,539,431, hereinafter "Sitaraman"). Sitaraman discloses a support IP pool-based configuration. Sitaraman shows,

In referring to claim 1,

- A user record storage unit for storing user records of service in servers for each service users:

"This is accomplished by assigning a user profile to a subscriber, said user profile including a pool identifier, said pool identifier indicating the settings configuration scheme for the subscriber" (Sitaraman, col. 3, lines 34-37)

- A connecting unit for connecting one of a plurality of service servers selected in accordance with said user records of the service users upon reception of a connection request from the service users:

"using said pool identifier to append one or more attributes to an authentication protocol packet, according to information contained in a first data structure; forwarding said authentication protocol packet to a Network Authentication Server; comparing said one or more attributes to a second data structure, said second data structure indicating the settings configuration scheme associated with said one or more attributes; and configuring settings on the communications network in accordance with the settings configuration scheme." (Sitaraman, col. 3, lines 37-47)

In referring to claim 2,

- Said connecting unit connects said service users to one of a plurality of service servers of different service contents or performance in correspondence with a grade determined based on said user records:

"An access point receives the subscriber's attempts to log in. Protocol Gateway 352 contains a user profile assigner 354, which assigns a user profile to a subscriber, the user profile including a pool identifier, the pool identifier indicating the quality of service level for the subscriber." (Sitaraman, col. 12, lines 19-24)

In referring to claim 3,

- Said connecting unit transmits the address of a selected service server to said service users:

"The pool identifier reflects the type of network service contracted for by the subscriber with the subscriber's ISP and is used to determine what type of address to allocate to the subscriber when the subscriber logs on." (Sitaraman, col. 7, line 64 – col. 8, line 2)

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A system that allocates an address to a subscriber inherently implies transmitting the address of a selected service server to said service user

In referring to claim 4,

- Said connecting unit transmits the address commonly shared by a plurality of said service servers to said service users, and translates said commonly shared address in a connection request from said service users to connect to the address of one of said plurality of service servers in correspondence with said user records of the service users:

"In a presently preferred embodiment of the present invention, the DHCP server may still utilize the pool identifier to select for the user an IP address which has been predefined to indicate what level of forwarding rate should be applied" (Sitaraman, col. 7, lines 5-9)

A DHCP server inherently implies translating addresses

In referring to claim 5,

- Said connecting unit provides with an address resolver server having said commonly shared address for translating the address of a connection request to the server to one of said plurality of service servers:

Sitaraman, col. 7, lines 5-9 (see full quote above)

In referring to claim 6,

- A user record storage unit for storing user records of services in servers for each of service users:

Sitaraman, col. 3, lines 34-37 (see full quote above)

- A server address discriminator unit for allocating the address of one of a plurality of service servers selected in accordance with said user records of the service users, upon reception of a connection request from said service users, to the address of a service servers to be connected:

“Configuration server 80 is shown having a plurality of address pools 82. Configuration server 80 allocates (or de-allocates) addresses from plurality of address pools 82 to subscribers through clients such as network access server 84. The plurality of address pools 82 has at least two address pools or groups, such as group A (200), group B (202), and group C (204).” (Sitaraman, col. 7, lines 37-43)

Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above)

In referring to claim 7,

- Said allocated address is transmitted to said service users:

Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above)

A system that allocates an address to a subscriber inherently implies said allocated address is transmitted to said service users

In referring to claim 8,

- An address storage unit for storing the correspondence between the address of said service users and the address of said allocated service servers:

Sitaraman, col. 3, lines 34-37 (see full quote above); Sitaraman, Figure 3 shows an address storage unit 68

- A transmitter unit for transmitting the commonly shared address of said plurality of service servers to said service users:

Sitaraman, col. 7, lines 37-43 (see full quote above)

- An address translation unit for resolving said allocated address in accordance with said address storage unit upon reception of a connection request from said service users to said commonly shared address in order to route said connection request to said service server having said address:

Sitaraman, col. 12, lines 19-24 (see full quote above)

In referring to claim 9,

- An address resolver server including said address storage unit and said address translation unit:

Sitaraman, Figure 3 shows an address resolver including an address storage unit 82 and said address translation unit 80

In referring to claim 10,

- Said server address discriminator unit allocates one of a plurality of service servers of different service contents or performance in correspondence with the grade of said service users determined by said user records for the server to be connected.

Sitaraman, col. 12, lines 19-24 (see full quote above)

In referring to claim 11,

- Said server address discriminator unit allocates one of a plurality of service servers of different number of limit of connected service users for the server to be connected, in accordance with the grade of said service users determined by said user records:

Sitaraman, col. 12, lines 19-24 (see full quote above)

In referring to claim 16,

- A membership grade configuration unit having grades of service users predetermined, indicative of the permission of connecting to one of a plurality of service servers of different service contents:

Sitaraman, col. 12, lines 19-24 (see full quote above)

- A server address discriminator unit for allocating one of a plurality of service servers selected in accordance with said grade of the service users upon reception of a connection request from said service users for the address of a service server to be connected:

Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of Short et al. (U.S. Patent Number 6,636,894, hereinafter "Short").

In referring to claims 12 and 13, although Sitaraman shows substantial features of the claimed invention, including the system of claims 10 and 11 (see 102 rejections above), Sitaraman does not show an incentive-generating unit for generating incentive information. Nonetheless this feature is well known in the art and would have been an obvious addition to the system disclosed by Sitaraman as evidenced by Short.

In analogous art, Short discloses systems and methods for redirecting users having transparent computer access to a network using a gateway device having redirection capability. Short shows an incentive generating unit for generating incentive information for offering incentive information to invite users to have more services provided, wherein said server assignment device transmits said incentive information generated by said incentive information generating unit to said service users: *"For instance, where users are located at an airport, the enterprise network administrator may wish to direct users to a portal page containing arrival and departure information, or to a portal page having the user's itinerary thereon to provide the user an incentive to access the network."* (Short, col. 2, lines 53-58)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Sitaraman so as to provide an incentive generating unit for generating incentive information to provide targeted services, such as taught by Short, in order to increase users for a specific network.

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In referring to claims 14 and 15, Sitaraman in view of Short shows,

- The system of claims 12 and 13 (see 103 rejection above)
- Said incentive information is variable depending on the grade of said service users, and includes information about special offers for a specific grade or specific status of current user record of service users:

“The portal page may include advertising tailored to the specific needs of the user. The gateway device would be capable of tailoring the material based upon user profiles in the network. The portal page may also incorporate surveys or links to surveys to provide the network provider with beneficial statistical data. As an ancillary benefit, the user who responds to the surveys may be rewarded with network access credit or upgraded quality.” (Short, col. 10, lines 5-12)

In referring to claim 17, Sitaraman shows substantial features of the claimed invention, including:

- A plurality of service servers of different service contents or performance:
Sitaraman, col. 7, lines 37-43 (see full quote above); *Sitaraman, col. 7, line 64 – col. 8, line 2* (see full quote above)
- A representative server including,
 - A user record storage unit for storing user records of services in said service servers for each of service users:
Sitaraman, col. 3, lines 34-37 (see full quote above)
 - A server address discriminator unit for allocating the address of one of said plurality of service servers selected in accordance with said user records of the service users, upon reception of a connection request from said service users, for the address of a service server to be connected:
Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above)
- Said representative server transmits the address of thus allocated address of the service server:

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Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above); A system that allocates an address to a subscriber inherently implies transmitting the address of a selected service server to said service user

- Said selected service server upon reception of a service request from said service users provides services:

A system that connects a user to a service server inherently implies services are provided by said server

However, Sitaraman does not show an incentive generating unit for generating incentive information. Nonetheless this feature is well known in the art and would have been an obvious addition to the system disclosed by Sitaraman as evidenced by Short.

In analogous art, Short discloses systems and methods for redirecting users having transparent computer access to a network using a gateway device having redirection capability. Short shows an incentive generating unit for generating incentive information for offering incentive information to invite users to have more services provided, wherein said server assignment device transmits said incentive information generated by said incentive information generating unit to said service users: *Short, col. 2, lines 53-58* (see full quote above)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Sitaraman so as to provide an incentive generating unit for generating incentive information to provide targeted services, such as taught by Short, in order to increase users for a specific network.

In referring to claim 18, Sitaraman shows substantial features of the claimed invention, including:

- A plurality of service servers of different service contents or performance:
Sitaraman, col. 7, lines 37-43 (see full quote above); *Sitaraman, col. 7, line 64 – col. 8, line 2* (see full quote above)
- A representative server including,

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- A user record storage unit for storing user records of services in said service servers for each of service users:
Sitaraman, col. 3, lines 34-37 (see full quote above)
- A server address discriminator unit for allocating the address of one of said plurality of service servers selected in accordance with said user records of the service users, upon reception of a connection request from said service users, for the address of a service server to be connected:
Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above)
- Said representative server transmits a commonly shared address of said service servers and said incentive information to said service users:
Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above); A system that allocates an address to a subscriber inherently implies transmitting the address of a selected service server to said service user
- Said representative server further comprising an address storage unit for storing the correspondence between the address of said service users and the address of said allocated service servers:
Sitaraman, col. 3, lines 34-37 (see full quote above); *Sitaraman, Figure 3* shows an address storage unit **68**
- An address translation unit for resolving said allocated address in accordance with said address storage unit upon reception of a connection request from said service users to said commonly shared address in order to route said connection request to said service server having said translated address:
Sitaraman, col. 7, lines 5-9 (see full quote above)
- Said selected service server upon reception of a service request from said service users provides services:
A system that connects a user to a service server inherently implies services are provided by said server

However, *Sitaraman* does not show an incentive generating unit for generating incentive information. Nonetheless this feature is well known in the art and would have been an obvious

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addition to the system disclosed by Sitaraman as evidenced by Short.

In analogous art, Short discloses systems and methods for redirecting users having transparent computer access to a network using a gateway device having redirection capability. Short shows an incentive generating unit for generating incentive information for offering incentive information to invite users to have more services provided, wherein said server assignment device transmits said incentive information generated by said incentive information generating unit to said service users: *Short, col. 2, lines 53-58* (see full quote above)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Sitaraman so as to provide an incentive generating unit for generating incentive information to provide targeted services, such as taught by Short, in order to increase users for a specific network.

In referring to claims 19, Sitaraman in view of Short shows,

- The system of claim 18 (see 103 rejection above)
- An address resolver server interposed between said service users and service servers for storing said address storage unit and said address-translating unit.

Sitaraman, col. 7, lines 5-9 (see full quote above)

In referring to claim 20, Sitaraman shows substantial features of the claimed invention, including:

- A step of allocating an address of said service servers in correspondence with the user record of said service servers, upon reception of a connection request from said service servers to said representative server:

Sitaraman, col. 3, lines 34-37 (see full quote above); *Sitaraman, col. 3, lines 37-47* (see full quote above)

- A step of connecting said service users to said allocated service server:

Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above)

However, Sitaraman does not show a step of transmitting information for offering incentive

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to invite users to have more services provided. Nonetheless this feature is well known in the art and would have been an obvious addition to the system disclosed by Sitaraman as evidenced by Short.

In analogous art, Short discloses systems and methods for redirecting users having transparent computer access to a network using a gateway device having redirection capability. Short shows a step of transmitting information for offering incentive to invite users to have more services provided: *Short, col. 2, lines 53-58* (see full quote above)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Sitaraman so as to provide an incentive generating unit for generating incentive information to provide targeted services, such as taught by Short, in order to increase users for a specific network.

In referring to claim 21, Sitaraman in view of Short shows,

- Transmitting the address allocated in said first step of allocating to said service users:
Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above); A system that allocates an address to a subscriber inherently implies transmitting the address of a selected service server to said service user

In referring to claim 22, Sitaraman in view of Short shows,

- Transmitting an address commonly shared by said service servers to said service users:
Sitaraman, col. 7, line 64 – col. 8, line 2 (see full quote above); A system that allocates an address to a subscriber inherently implies transmitting the address of a selected service server to said service user
- Translating addresses from a service request with respect to said commonly shared address to a service request with respect to said allocated service server:
Sitaraman, col. 7, lines 5-9 (see full quote above)

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger
Examiner
Art Unit 2153

smk



FRANTZ B. JEAN
PRIMARY EXAMINER